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WHEREAS, **Carlsbad Family Housing Partners, a California Limited Partnership**, “Developer,” has filed a verified application with the City of Carlsbad for the development of a new housing project on property owned by **Anthony and Dicky Bons**, “Owner,” described as

(“the Property”); and

WHEREAS, the Planning Commission did on the **7th** day of **July 2004**, hold a  
duly noticed public hearing as prescribed by law to consider said request; and

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the City of Carlsbad as follows:

- A) That the foregoing recitations are true and correct.

1 B) That based on the evidence presented at the public hearing, the Commission  
2 **RECOMMENDS APPROVAL** of CARLSBAD FAMILY HOUSING – SUP  
3 02-09, based on the following findings and subject to the following condition:

4 **Findings:**

- 5 1. That the project conforms to the intent of the Scenic Preservation Overlay Zone  
6 through compliance with applicable El Camino Real Corridor Development  
7 Standards for Area 5 except for necessary deviations to setback and wall location  
8 standards.
- 9 2. That the deviation to the setback standard is necessary because it is infeasible for  
10 the proposed project. Due to high fuel species that occupy permanent open space  
11 surrounding the project, 60' wide fire suppression zones are required between  
12 structures and rear and side property lines, which results in side and rear setbacks  
13 that are six times greater than the 5' - 10' required by the RD-M zone. These  
14 additional setback widths significantly reduce the developable area of the property;  
15 therefore, the 8' reduction in the front setback is necessary to enable a site design  
16 that incorporates recreational amenities and conforms to City development and  
17 design standards.
- 18 3. That the deviation to the wall location standard is necessary within the reduced  
19 front setback because the noise attenuation wall is proposed to ensure that at-grade  
20 noise levels are reduced to the greatest extent possible. Placement of a sound  
21 attenuation wall within the reduced setback will not reduce the scenic quality of the  
22 ECR corridor in that within the approximately 1,300' between Poinsettia Lane and  
23 Cassia Road, the proposed project would occupy only 295'. The remaining 1000' of  
24 ECR frontage to the south of the proposed development is encumbered by a  
25 conservation easement due to biological constraints. Therefore, the proposed  
26 deviations would not eliminate views to the east along the ECR corridor or result in  
27 continuous development too close to the right-of-way. The wall does not interfere  
28 with required sight distance and will not have an adverse impact on traffic safety.  
The meandering wall design that consists of split face block with pilasters and cap  
along with dense landscape screening will maintain and enhance the appearance of  
the El Camino Real roadway.
4. The **Planning Commission** of the City of Carlsbad does hereby find:
  - a. it has reviewed, analyzed and considered Negative Declaration, the environmental  
impacts therein identified for this project and any comments thereon prior to  
**RECOMMENDING ADOPTION** of the project; and
  - b. the Negative Declaration has been prepared in accordance with requirements of  
the California Environmental Quality Act, the State Guidelines and the  
Environmental Protection Procedures of the City of Carlsbad; and
  - c. it reflects the independent judgment of the **Planning Commission** of the City of  
Carlsbad; and

- 1           d.       based on the EIA Part II and comments thereon, there is no substantial evidence  
2                   the project will have a significant effect on the environment

3       **Conditions:**

- 4       1.       This approval is granted subject to the approval of **GPA 02-05, ZC 02-06, and SDP 02-**  
5               **13** and is subject to all conditions contained in Resolutions No. **5666, 5667, and 5668.**

6                               **NOTICE**

7       Please take **NOTICE** that approval of your project includes the "imposition" of fees, dedications,  
8       reservations, or other exactions hereafter collectively referred to for convenience as  
9       "fees/exactions."

10      You have 90 days from date of final approval to protest imposition of these fees/exactions. If  
11      you protest them, you must follow the protest procedure set forth in Government Code Section  
12      66020(a), and file the protest and any other required information with the City Manager for  
13      processing in accordance with Carlsbad Municipal Code Section 3.32.030. Failure to timely  
14      follow that procedure will bar any subsequent legal action to attack, review, set aside, void, or  
15      annul their imposition.

16      You are hereby FURTHER NOTIFIED that your right to protest the specified fees/exactions  
17      DOES NOT APPLY to water and sewer connection fees and capacity charges, nor planning,  
18      zoning, grading or other similar application processing or service fees in connection with this  
19      project; NOR DOES IT APPLY to any fees/exactions of which you have previously been given a  
20      NOTICE similar to this, or as to which the statute of limitations has previously otherwise  
21      expired.

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1 PASSED, APPROVED AND ADOPTED at a regular meeting of the planning  
2 Commission of the City of Carlsbad, California, held on the 7th day of July 2004 by the  
3 following vote, to wit:  
4

5 AYES: Chairperson Whitton, Commissioners Baker, Dominguez,  
6 Heineman, and Montgomery

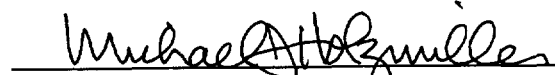
7 NOES: None

8 ABSENT: Commissioner Segall

9 ABSTAIN: None

10  
11   
12 FRANK H. WHITTON, Chairperson  
13 CARLSBAD PLANNING COMMISSION

14 ATTEST:

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17 MICHAEL J. HOLZMILLER  
18 Planning Director  
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